

VIA:

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CLASSIFICATION

OGC HAS REVIEWED.

23 AUG
1955

DATE:

TO : Chief, EE Attn: General Counsel

FROM : Chief of Station, [REDACTED]

SUBJECT: GENERAL—Administrative

SPECIFIC—Report of Activities of Mission Legal Office

1. Because of overall [REDACTED] revisions and particularly the establishment of the Bases in a more autonomous fashion, the Mission functions are generally more advisory than supervisory. For this reason our former manner of reporting has been altered and hereafter monthly reports will be submitted directly to the General Counsel and reporting to the Chief of Station and the Chief, A&L will be by oral briefing. This being the first of such reports, we would appreciate the General Counsel's comments as to the method employed. In this initial experiment we will follow the pattern of reporting which previously obtained in reporting to the Chief, A&L.

2. At the time of the last report we had just commenced intervention on behalf of [REDACTED] For that purpose we employed [REDACTED] services as defense counsel. In this case the agent was in the process of disposal by [REDACTED] when arrested and charged with the crime of murder, alleged to have been committed in May 1951. By cable request, [REDACTED] obtained a statement from a Roman Catholic priest who stated that he was with [REDACTED] at the time of the alleged murder. This provided an alibi but another problem was to how to employ the alibi in the most efficacious manner. The choice was either to use it in support of a complaint protesting the arrest [REDACTED] or to place the alibi in the hands of the police in the hopes of influencing them to release the defendant upon the completion of their investigative proceedings. The latter alternative was chosen and it was placed in the hands of the police [REDACTED] through the excellent liaison maintained with them by security. [REDACTED] excellent services in employing this liaison for this purpose were highly instrumental in effecting a satisfactory result, because the fact of its official source impressed the [REDACTED] police. After approximately 10 days of incarceration, the defendant was released. His record of suspicion of the charge has now been cleared and he will be able to immigrate. We have closed our files in this case.

3. We have been consulted by [REDACTED] regarding conservatorship proceedings instituted in [REDACTED] against a former agent and we have rendered advice to them as to means of releasing the former agent from the mental institution where he was confined.

4. We have prepared a written opinion for the [REDACTED] desk regarding legal instruments and plans capable of being employed to [REDACTED] law in order to secure the title to assets presently held by the [REDACTED] project. On [REDACTED]

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the basis of this the [] desk has forwarded a resume of the situation to Headquarters and we await reply before embarking upon the drafting of instruments to complete the securing of the property.

5. Since the last report we have consulted many times with [] regarding the funding of the [] project and spent considerable time with [] laying on the plans for implementing the funding of this project. The last correspondence from Headquarters contained an outline of proposed correspondence between the U.S. lawyer and []. From this end we are prepared to start the outlined funding program when it is initiated from the other side.

6. Following up on our last report regarding the status of the [] case the mortgage foreclosure sale has now been completed. The total purchase price of the assets was []. This amount has been received in full by [] and is now being held in his trust account. When the purchasers attempted to remove the last portion of the machinery and equipment from the building, the landlords instituted an action (Arrest) similar to our injunction proceedings to prevent their removal. We dissolved the temporary injunction on the basis that we recognized their possessory lien and assured them that it would attach to the proceeds. We are still arguing, however, as to whether the possessory lien is supported by a debt in the amount of []. As long as we are holding onto the money we expect to reach a compromise with them. Time is in our favor in this respect and it may be some time before the question is finally resolved. The bank from whom [] had received a loan obtained judgment and instituted execution proceedings thereon, naming [] as a garnishment defendant. He answered, setting up the mortgage lien, and was exonerated from execution, since the proceeds of the mortgage foreclosure sale were less than the amount of the indebtedness.

7. In the field of staff housing we have continued to experience considerable activity. Approximately [] leases have now been obtained on the [] economy including those at []. Under [] law, leases may be recorded on 3 different bases: (1) to protect both the security, if any, for the loan agreement contained in the key money contract and the possession rights of the tenant, or (2) for either one of these purposes singly. In order to be entitled to record them, however, the consent of the landlord for that purpose must be contained in the lease or a separate written contract. Because a lease is a personal contract under [] law (i.e. provides a basis only for actions in personam and not in rem) we have felt it advisable to at least record the leases in such a manner as to protect the rights of possession as against new owners. However, we have experienced considerable difficulty in negotiating such a provision with the landlords since most are very thinly financed. The other problem encountered has been that of depositing the key money in advance of possession. In some instances payment takes place from 6 to 8 weeks prior to the proposed date of completion. To this end we have employed escrow deposits in various forms and with various banks. These are being made in the name of the prospective tenant.

8. Because of the elimination of American courts in [] and the repeal of [] legislation, protecting the security of the forces, the previous forms of termination agreements employed in the Mission have become obsolete. We have drafted a new form of termination agreement which is under consideration by Mission elements and soon will be distributed for usage by the bases.

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9. We recently received a new case involving a former sub-agent under Project [redacted], who claims to have instituted action against [redacted] in the [redacted] Labor Court in [redacted]. He claims [redacted] back compensation due him. We have suggested that the [redacted] intervene to inform the claimant that no record of his employment exists and that in any event the [redacted] Labor Court has no jurisdiction over such matters. We have offered to assist JAG in this negotiating in any way in which they see fit, commensurate of course with our own security.

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10. We had occasion since the last report to visit [redacted] and a complete report regarding the details of that visit were submitted to Headquarters under [redacted]

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11. We have been conferring with the [redacted] as to the gathering of evidence in the course of an existing surveillance, as well as a probable later interrogation of two subjects suspected of being [redacted] agents. We have advised them regarding the gathering of evidence, maintaining the chain of evidence and securing sufficient proof to constitute the corpus delicti in the event subsequent prosecution should seem advisable. This matter is in its early stages and we shall continue such aid until it should be decided that thought of prosecution should be abandoned.

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12. We have consulted with the [redacted] on the aspects of [redacted] law affecting redefection attempts in [redacted]. Headquarters has requested field discussions of deterring the redefection program by legal means. To this end we have found little law or opportunities for remedy. One case seems encouraging but it is only on a local basis and there the court was furnished by KUBARK with information outside the record, establishing the [redacted] connection of the defendant. Most cases of redefection attempts would not contain as much proof as was available in that case. For your information we have translated that decision and are forwarding two copies under separate cover so that you may be acquainted with it.

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13. We greatly appreciated the recent visit of [redacted] whose visit contributed much on the more recent information regarding the new income tax law, the most recent developments on the Tax Division, organization and personnel at Headquarters, and provided current discussions on pending cases which necessitate action by both Headquarters and this office.

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14. We would appreciate your advise as to when we may expect supplements to USCA and volumes of Comptroller General's Decisions subsequent to Volume 32, and the indices thereto.

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22 August 1955

Attachments:

As stated under s/c

Distribution:

3-EE

1-General Counsel

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